

NZO Module 2: Development Standards – Highlighted Changes

No.	Topic	Comments	NZO Section	Existing Ordinance
H1	Distance between buildings, main/accessory eliminated	See staff report	N/A	28.04.010 (Def) 28.15.070 (SFR) 28.18.070 (R-2) 28.20.070.E (AUD) 28.21.070 (R-3/R-4) 28.27.050.B (R-H) 28.30.070 (Grd Apt) 28.33.045 (PRD) 28.36.070 (PUD) 28.39.060 (P-D) 28.42.070 (S-H) 28.50.070 (SP-9) 28.54.070 (C-P) 28.57.070 (C-L) 28.63.070 (C-1) 28.66.070 (C-2) 28.69.070 (C-M) 28.72.070 (M-1) 28.73.070 (OM-1) 28.75.070 (HWMF)
H2	Minimum residential unit size reduced from 400 to 220 sq. ft.	See staff report	Table 28.04.030.A (Res) 28.23.110.B (Gen Site)	28.87.150 (Gen Prov)

NZO Module 2: Development Standards – Highlighted Changes

No.	Topic	Comments	NZO Section	Existing Ordinance
H3	Front setback for 3-story buildings changed to a specific distance for multi-unit buildings	See staff report	Table 28.04.030.B (Res) Table 28.05.030 (Comm/Offc)	28.21.060.A.2 (R 3/R-4) 28.20.070.D (AUD) 28.48.060.A.2 (R-O) 28.51.060.A.2 (C-O) Non-residential zones that refer to R 3/R-4 (C-2, C-M, M-1, OM1)
H4	Covered parking setbacks in 1-2 unit development in multi-unit zones to match the R-2 Zone	See staff report	Table 28.04.030.B (Res)	28.21.060 (R-3/R-4)
H5	Rear setback to match interior setback in multi-unit zones	See staff report	Table 28.04.030.B (Res)	28.21.060.C (R-3/R-4)
H6	Maximum height adjacent to residential zones simplified	See staff report	Table 28.05.030 (Comm/Offc) Table 28.06.030 (Manf)	28.48.050.C.1 (R-O) 28.51.050.C.1 (C-O) 28.54.050.C.1 (C-P) 28.66.050.C.1 (C-2) 28.69.050.C.1 (C-M) 28.72.050.C.1 (M-1)
H7	Interior setback adjacent to residential zones simplified	See staff report	Table 28.05.030 (Comm/Offc) Table 28.06.030 (Manf)	28.48.060.C.1 (R-O) 28.51.060.C.1 (C-O) 28.54.060.C.1 (C-P) 28.66.060.C.1 (C-2) 28.69.060.C.1 (C-M) 28.72.060.C.1 (M-1)
H8	Maximum Floor Area of accessory buildings, garages & carports	See staff report	28.23.020.F (Gen Site)	28.87.160 (Gen Prov)
H9	Amenities allowed in accessory buildings	See staff report	28.23.020.G (Gen Site)	City policy

NZO Module 2: Development Standards – Highlighted Changes

No.	Topic	Comments	NZO Section	Existing Ordinance
H10	Building attachment	See staff report	28.23.030 (Gen Site)	28.04.010 (Def)
H11	Encroachments into setbacks and open yards	See staff report	28.23.080 (Gen Site)	28.87.062 (Gen Prov)
H12	Open yard configuration in RS zones	See staff report	28.23.100.B.2 (Gen Site)	28.15.060 (SFR)
H13	Open yard requirements for multi-units	See staff report	28.23.100.D.1.b (Gen Site)	28.21.081 (R-3/R-4)
H14	Open Yard for lots developed with 4 or more units	See staff report	28.23.100.D.2.a (Gen Site)	28.21.081 (R-3/R-4)
H15	Residential unit standards update with City policy	See staff report	28.23.110.C-E (Gen Site)	28.04.590 (Def)
H16	Waste and recycling receptacles setbacks	See staff report	28.23.170.A (Gen Site)	N/A
H17	Non-conforming uses, structures, and site development	See staff report	28.25 (Non-conf)	28.87.030 (Gen Prov)
H18	Affordable Efficiency Units will no longer be a special unit type	See staff report	28.53.020.B.3 (Use Class)	28.87.150 (Gen Prov)

NZO Module 2: Development Standards – Other Changes

No.	Topic	Comments	NZO Section	Existing Ordinance
1	Rezone existing C-L Zone	Given the similarity of uses between the C-P and C-L zones, and that the setbacks and standards are the same, existing C-L parcels would be rezoned to the new C-R zone.	28.05 (C-R)	28.57 (C-L)
2	Hotel conversions in the R-3/ R-4 zones	Clarify that new construction for hotels must comply with double setbacks.	Table 28.040.030.B (Res)	28.21.085.A (R-3/R-4)
3	Solar Access height calculation	Specify base elevation or the elevation at the northerly property line, whichever is higher, in elevation measurement language.	28.04.030.B.1 (Res)	28.11.020 (Solar)
4	P-D Zone renamed as overlay	Rename to AC Overlay Zone (Auto, Commercial, and Services)	28.09 (PD)	28.39 (P-D)
5	P-D Zone "purpose" statement	While the P-D zone lists 23 permitted uses, the policy and practice has been to promote auto related uses, sales of new automobiles and vehicles in this zone. The allowed uses remain unchanged; however, the revised text emphasizes the automobile uses.	28.09.010 (PD)	28.39.005 (P-D)
6	SD-3 Zone renamed as overlay	Rename to CZ Overlay Zone (Coastal Zone)	28.10 (CZ)	28.44 (SD-3)
7	SD-3 Zone terminology update	Minor terminology updates such as changing "single family" to "single-unit".	28.10 (CZ)	28.44 (SD-3)
8	PUD Zone renamed as overlay	Rename to PUD Overlay Zone (Planned Unit Development)	28.12 (PUD)	28.36 (PUD)
9	PUD Zone height limitation	Reword to limit building to 2 stories and 30 feet.	28.12.040.C (PUD)	28.36.050 (PUD)
10	PUD Zone open space requirements	Reword the open space to clarify.	28.12.040.H (PUD)	28.36.195 (PUD)
11	PUD Zone findings	Create required findings based on existing legislative intent; there were none before.	28.12.060.B (PUD)	28.36.005 (PUD)

NZO Module 2: Development Standards – Other Changes

No.	Topic	Comments	NZO Section	Existing Ordinance
12	C-X Zone renamed as overlay	Rename to RD Overlay Zone (Research and Development)	28.13 (RD)	28.60 (C-X)
13	C-X Zone reworded	Simplify and reorganize the text for flow and clarification.	28.13 (RD)	28.60 (C-X)
14	R-H Zone rename as overlay	Rename to RH Overlay Zone (Resort Hotel)	28.14 (RH)	28.27 (R-H)
15	R-H Zone residential references	Remove all references to "residential" and "dwelling units".	28.14 (RH)	28.27 (R-H)
16	SD-1 Zone renamed overlay	Rename to SRP Overlay Zone (San Roque Park Subdivision)	28.15 (SRP)	28.45.007 (SD-1)
17	S-H Zone renamed as overlay	Rename to SH Overlay Zone (Senior Housing)	28.16 (SH)	28.42 (S-H)
18	S-H Zone accessory uses	Expand accessory uses beyond group dining and recreational facilities, to be designed and located to serve residents only.	28.16.040 (SH)	28.42 (S-H)
19	S-H Zone maximum occupancy per unit	Eliminate maximum occupancy per unit as it is not an enforceable condition.	28.16.040 (SH)	28.42.150 (S-H)
20	SD-2 Zone renamed overlay	Rename to USS Overlay Zone (Upper State Street Area)	28.17 (USS)	28.45.008 (SD-2)
21	SD-2 Zone, 3-story building floor area limitation	Refine the language and remove the "height" reference from the Floor Area limitation of a 3-story building as it does not affect the floor area calculation. Floor area limited by the footprint area on the ground floor multiplied by 2 stories. Intent and result is retained.	28.17.030.B (USS)	28.45.008.D.3 (SD-2)
22	SD-2 Zone drive-through facilities prohibition	Relocate from the overlay zone to a Citywide prohibition.	28.17.030 (USS)	28.45.008.D.2 (SD-2) 28.87.240 (Gen Prov)

NZO Module 2: Development Standards – Other Changes

No.	Topic	Comments	NZO Section	Existing Ordinance
23	Definition of building height exceptions	Add examples of architectural allowances that exceed the maximum height for clarification.	28.23.040 (Gen Site)	28.04.140 (Def)
24	Development on lots divided by zone boundaries	New section reflects City policy for multi-zoned parcels.	28.23.060.A (Gen Site)	City policy
25	Development on substandard lots	Add language to clarify existing City policy.	28.23.070 (Gen Site)	28.87.210 (Gen Prov)
26	Fence guidelines	Incorporate the "City of Santa Barbara Fences, Screens, Walls, and Hedges Guidelines" into the ordinance.	28.23.090 (Gen Site)	28.87.170 (Gen Prov)
27	Swimming pools and spas	Add language to clarify that reduced setbacks only apply to in-ground pools and spas.	28.23.140 (Gen Site)	28.87.060 (Gen Prov)
28	Visibility at driveways and intersections	Relocate the section to apply Citywide for all visibility obstructions. Update purview of Traffic Engineer on streets without sidewalks.	28.23.160 (Gen Site)	28.87.170 (Gen Prov)
29	Density Bonus and development incentives update	Reference the "City of Santa Barbara Affordable Housing Policies and Procedures Manual" and remove elements of the ordinance in conflict with State Law.	28.24 (Density Bonus)	28.87.400 (Gen Prov)
30	Performance standards	Consolidate and relocate all performance standards and add measurement standards where feasible.	28.27 (Perf Stds)	Throughout Zoning Ordinance



City of Santa Barbara California

PLANNING COMMISSION

STAFF REPORT

REPORT DATE: November 2, 2001
AGENDA DATE: November 8, 2001
SUBJECT: CONFIGURATION OF RESIDENTIAL UNITS
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
Jan Hubbell, Acting Development Review Supervisor
Danny Kato, Zoning & Enforcement Supervisor

INTRODUCTION

On two Tuesdays, May 1 and 8, 2001, a member of the public addressed the Mayor and Council during the public comment portion of the Council meeting. His stated concern was that Planning Staff is not allowing exterior doors to bedrooms in residential units, but his underlying concern was that Planning Staff's actions to reduce the potential for illegal dwelling units were infringing on the rights of property owners to have certain amenities in their houses. Planning Commission also discussed some specific projects at a lunch meeting in May 2001.

The main tool that the City has to reduce potential for illegal dwelling units is a definition of residential unit that was adopted by Council in 1994. Prior to 1994, City policies were more permissive with regard to the types of improvements that could be allowed in residences, resulting in portions of residential units that were easily converted to illegal dwelling units. In recent years, Staff's administration of the definition of residential unit has become too restrictive. During the late spring/early summer 2001, Staff reviewed its policies regarding the configuration of residential units, and revised them to achieve a better balance between allowing amenities that are desirable in residential units, and reducing the potential for illegal dwelling units.

BACKGROUND

The City of Santa Barbara has a problem with illegal dwelling units. High housing prices and rents make the prospect of converting portions of legal residential units into illegal dwelling units very attractive. For example, a recent News-Press article stated that the median housing price was \$629,000. If someone put 20% down (\$126,000), the monthly mortgage payment for a median house (including property tax and insurance) would be about \$4,100. The Redevelopment Agency's annual housing survey found that the median monthly rent for a one bedroom apartment is \$1,020, and \$1,395

for two bedroom apartment, which is a significant portion (between 25% and 34%) of the monthly payment.

For many years, the Community Development Department Staff has been working with property owners and the City Attorney's Office to abate illegal dwelling units. Prior to 1994, Staff did not have many tools to help prevent the proliferation of illegal dwelling units. For instance, the Zoning Ordinance only allows one residential unit in the single family zones. However, the Zoning Ordinance's definition of a residential unit at that time was quite broad:

28.04.210 Dwelling Unit.

One (1) or more rooms in a dwelling, apartment house or apartment hotel designed for or occupied by, one (1) family for living or sleeping purposes and having not more than one (1) kitchen.

This broad definition did not provide much guidance to Staff, beyond the limitation of one kitchen; thus Staff approved almost any floor plan for a residential unit as long as it only contained one kitchen. As a result, an approved floor plan configuration could include areas that could easily be converted to illegal dwelling units, such as bedrooms with full baths, wet bars and exterior entrances.

In 1994, the City received a number of complaints from residents in areas with many illegal dwelling units. The permit records revealed that Staff had approved floor plan configurations that were easily converted to illegal dwelling units. The Planning Commission and City Council held public hearings, and adopted an expanded definition of residential unit that allowed the Community Development Director to declare an area as a residential unit if certain elements were present. The definition of residential unit adopted in 1994 is as follows:

28.04.469.5 Residential Unit.

- A. A building or portion thereof designed or occupied for residential purposes, containing not more than one (1) kitchen per residential unit, but not including hotels or boarding houses.
- B. A residential unit may be declared by the Community Development Director when a building or portion thereof is configured or occupied for residential purposes, whether permanent or temporary, and contains elements evidencing separate residential occupancy. Elements to be considered may include, but are not limited to, the proximal arrangement and various combinations of:
 - 1. Sink or bar sink;
 - 2. Garbage disposal;
 - 3. Dishwasher;
 - 4. Toilet;
 - 5. Bathing facility;
 - 6. Interior locking doors;
 - 7. Exterior entrance;
 - 8. Exterior staircase;
 - 9. Separate yard, patio, deck or balcony;

10. Separate phone line, cable line, or utility line;
11. Separate garage or parking area (covered or uncovered) or carport;
12. Countertops or cupboards;
13. Sleeping loft; or
14. Separate address/mail box designation.

Issuance of a building permit or other approvals does not, of itself, establish that a building or portion thereof is not a residential unit.

City Council directed Staff to examine proposed floor plan configurations, and to use the new definition of residential unit to deny certain improvements in areas that have high potential for conversion into illegal dwelling units. Improvements that are routinely denied are bathing facilities in areas with no interior access to the main residential unit, and wet bars in master bedrooms with exterior entrances.

As Planning Staff implemented the 1994 definition of residential unit, applicants became more “creative,” showing only the improvements that could be approved, then adding other improvements without permits after the final inspection. Staff found out about these additional improvements because some of these properties came back as enforcement cases for illegal dwelling units.

Over time, in order to respond to this creativity and to continue to implement Council’s direction, Planning Staff’s implementation of the 1994 definition became increasingly restrictive, i.e. fewer of the items on the list were necessary before Staff declared a residential unit. For example, as of April 2001, it was fairly common for Staff to deny exterior doors to master bedrooms (without wet bars), where the exterior door opened onto a side yard. Staff worked with all applicants to try to find a combination of improvements that both met the applicants’ needs and reduced the potential for conversion into illegal dwelling unit, but in most cases, Staff’s decision was weighted much more towards reducing the potential for conversion.

The reason that staff routinely decided in favor of reducing potential for conversion is that once building permits are issued for items like exterior doors or bathing facilities, the City cannot require the removal of those improvements if the area is later found to be an illegal dwelling unit. For instance, if a building permit for a master bedroom with an exterior door and bar sink and counter is approved, and an enforcement case reveals that the area is being used as an illegal dwelling unit, the City cannot require the removal of any of the improvements allowed by the building permit. So after the enforcement case is closed, it’s very easy to re-establish the illegal dwelling unit. The Administrative Fine of \$100 (1st offense), \$200 (2nd offense) or \$250 (3rd+ offense) is not much when compared to the potential rent generated from the illegal dwelling unit.

Whenever Staff reviewed a proposed floor plan configuration, the history of the property was taken into consideration. If the property did not have a history of illegal dwelling units or illegal habitable space, the decision about the types of improvements to allow was made in favor of the applicant, as much as possible. However, if the property had a history of illegal dwelling units or illegal habitable space, the decision about the types of improvements to allow was usually not made in favor of the applicant, as the zoning regulations had been violated previously.

New Design Paradigm

The balancing act between an individual's desire for amenities in residential units and community desire for legal dwelling units has become even more difficult, due to a new design paradigm for houses. Until fairly recently, a typical house would have a single master bedroom. For example, a typical three bedroom/two bath home would have one modestly sized master bedroom and master bath, two bedrooms and a common bathroom. The purpose of the master bedroom was for sleeping and bathing. The master bedroom may have had direct access to the backyard area, although this type of exterior access was not predominant. Even less common was a wet bar. Additionally, it was unusual for a typical house to have more than one master bedroom.

Today, the purpose of the master bedroom seems to include a place to "retreat," as well as a place to sleep and bathe. Houses built today almost always include very large master bedrooms and master bathrooms, with sitting areas and wet bars. Additionally, market demand is increasing for multiple master bedrooms and exterior doors (usually double French doors or large sliding glass doors), whether from bedrooms or from other parts of the house, given Santa Barbara's mild climate. It is not unusual for a proposal for a new house or a remodel to include three or more master bedrooms, each with exterior doors and wet bars.

Master bedrooms with exterior doors (especially those with wet bars) are easy to convert into illegal dwelling units (it can be as easy as putting a lock on an interior door). When the typical house included only one master bedroom, the likelihood of such a conversion was fairly small, as the floor plan for the remaining portion of the legal unit was awkward. However, with today's paradigm of multiple master bedrooms, if a property owner converted one of the master bedrooms into an illegal dwelling unit, the floor plan of the remaining portion of the legal unit would continue to make sense. Thus, the balancing act between an individual's desire for amenities and the community's desire for legal residential units is more difficult.

CURRENT POLICY ON RESIDENTIAL UNIT CONFIGURATION

Based on discussions that occurred during the late spring/early summer 2001, Planning Staff has created an internal policy that outlines how Staff is to administer the definition of residential unit in the Zoning Ordinance. The purpose of this policy is to provide guidance for Staff in determining whether improvements will be allowed when the configuration appears to be a residential unit.

In General

1. Half-baths (toilet and sink) are permissible in virtually all locations, whether detached or attached to the main structure.
2. Tank-type ("normal") water heater shall not be allowed in detached structures, unless that water heater is for both the main building and the detached structure.

3. Proposals for multiple tank-type water heaters in main structures shall be examined carefully. Depending on the floor plan configuration, they may or may not be allowed.
4. Tankless ("on-demand") water heaters can be allowed in multiple locations.
5. In 99.9% of all cases, one kitchen is allowed per residential unit. Exceptions can be made for extremely large (10,000 s.f. +) single family residences, depending on the floor plan configuration (e.g. both a catering kitchen and a regular kitchen can be allowed in extremely large houses).
6. Kitchen sinks are not allowed except in approved kitchens.
7. Food preparation facilities, such as stoves, refrigerators, hot plates, microwaves, etc. shall not be allowed, except in approved kitchens.
8. One laundry area is allowed per residential unit.
9. One laundry tub (deep sink) can be allowed in the approved laundry area.
10. Maximum length of counters outside approved kitchens and bathrooms (hereinafter referred to as bar counters) is five feet.
11. Maximum bowl size of sinks outside approved kitchens and laundry areas (referred to as bar sinks) is 12" x 12". Lavatory sinks are allowed in bathrooms.
12. Garbage disposals in sinks outside approved kitchens are not allowed.
13. "Rough-in" plumbing for future plumbing fixtures shall not be allowed.
14. Proposals for multiple heating systems will be examined carefully. Depending on the floor plan configuration, they may or may not be allowed.
15. Properties with a history of illegal dwelling unit use shall be examined carefully, and improvements such as exterior doors, bathing facilities, bar counters/sinks, washer/dryer hookups, etc. shall be severely limited on such properties if the applicant is the violator. However, if the violator sells the property, the property is treated as if it has no history of illegal dwelling unit use (i.e. the new owners get a "clean slate," and are not penalized by the activities of the violators). In order to get the clean slate, the new owners must not be relatives of the violator. Additionally, the transfer of property from the violator to a trust or holding company for the violator will not qualify it for the clean slate.
16. The recordation of a Zoning Compliance Declaration may be required.

Detached Structures and Areas with No Interior Access to the Main Living Area

1. Bathing facilities with interior access to the detached structure shall not be allowed. However, exterior showers or shower rooms with exterior access only can be allowed.
2. Bar counters with a bar sink may be allowed on a case-by-case basis. For example, bar counters and bar sinks could be allowed in pool cabanas.
3. Only tankless water heaters shall be allowed, unless the water heater is also for the main residential unit.

Attached Structures with Interior Access to the Main Living Area

The type of interior access to the main living area will determine the types of improvements that are allowed:

1. Areas that are connected by a long, narrow hallway shall be examined carefully. Depending on the floor plan configuration, they may either be treated as detached structures (above), or areas that are clearly part of the main living area (below).
2. Areas that are connected by a spiral stairway shall be examined carefully. Depending on the floor plan configuration, they may either be treated as detached structures (above), or areas that are clearly part of the main living area (below).
3. Areas that can be easily closed off into separate residential units shall be examined carefully. Depending on the floor plan configuration, they may either be treated as detached structures (above), or areas that are clearly part of the main living area (below).

Areas that are Clearly Part of the Main Living Area

1. Generally, master bedrooms (bedrooms with attached full bathrooms) or similar configurations without bar counters and bar sinks will be allowed to have exterior doors onto backyards or decks.
2. Generally, master bedrooms or similar configurations without exterior doors will be allowed to have bar counters (5 foot maximum) and bar sinks (12"x12" maximum bowl size).
3. Master bedrooms or similar configurations shall not have both exterior doors and bar counters/sinks.
4. Generally, up to three master bedrooms as described above shall be allowed without much scrutiny.
5. More than three master bedrooms as described above may be allowed on a case-by-case basis. However, if the configuration resembles a boarding house or hotel, it will not be allowed.
6. The recordation of a Zoning Compliance Declaration may be required.

QUESTIONS FOR THE COMMISSION

The maximum sink size of 12"x12" in areas outside the kitchen and laundry area is a compromise between no sink (reduced potential for conversion to illegal dwelling units) and a double-bowl kitchen sink (desired by many individuals). The bar sink in areas outside the kitchen and laundry areas allows people to have water, and to clean small items, but makes it inconvenient to wash big dishes and pots and pans, thereby reducing the potential for conversion to illegal dwelling units. This requirement is fairly easy to enforce, as any new plumbing requires a building permit, and the City can review the plans, and require that the sink size be reduced.

The maximum counter length of 5 feet is a compromise between no counters (reduced potential for conversion to illegal dwelling units) and up to 15 feet of counters (desired by many individuals). The idea here is to allow a certain amount counter space, but not so much that it makes an area that is easily converted to a kitchen. Cabinets other than those supporting the counters (such as upper cabinets, pantries, etc.) have not been addressed. Limiting the counter length in order to prevent conversions of area to illegal dwelling units is not easily done, as the installation of counters and cabinets do not require building permits (as long as there is no structural, electrical or plumbing changes). Questions for the Commission are these:

1. Is the maximum sink size of 12"x12" in areas outside approved kitchens and laundry areas appropriate? Too big? Too small?
2. Is the maximum counter length of five feet outside approved kitchens appropriate? Too long? Too short?
3. Should the amount of cabinets other than those supporting the counters be regulated? If so, how much should be allowed?

CONCLUSION

Staff believes that the administrative policies listed above provide a good balance between an individual's desire for specific amenities, given an increased demand for multiple master bedrooms, exterior entrances and wet bars, with the community's desire to restrict the proliferation of illegal dwelling units.

Staff would appreciate the Planning Commission's discussion and input on the issue of configuration of residential units.

Exhibits: A-F. Approved Floor Plan Configurations
G-J. Pending Floor Plan Configurations

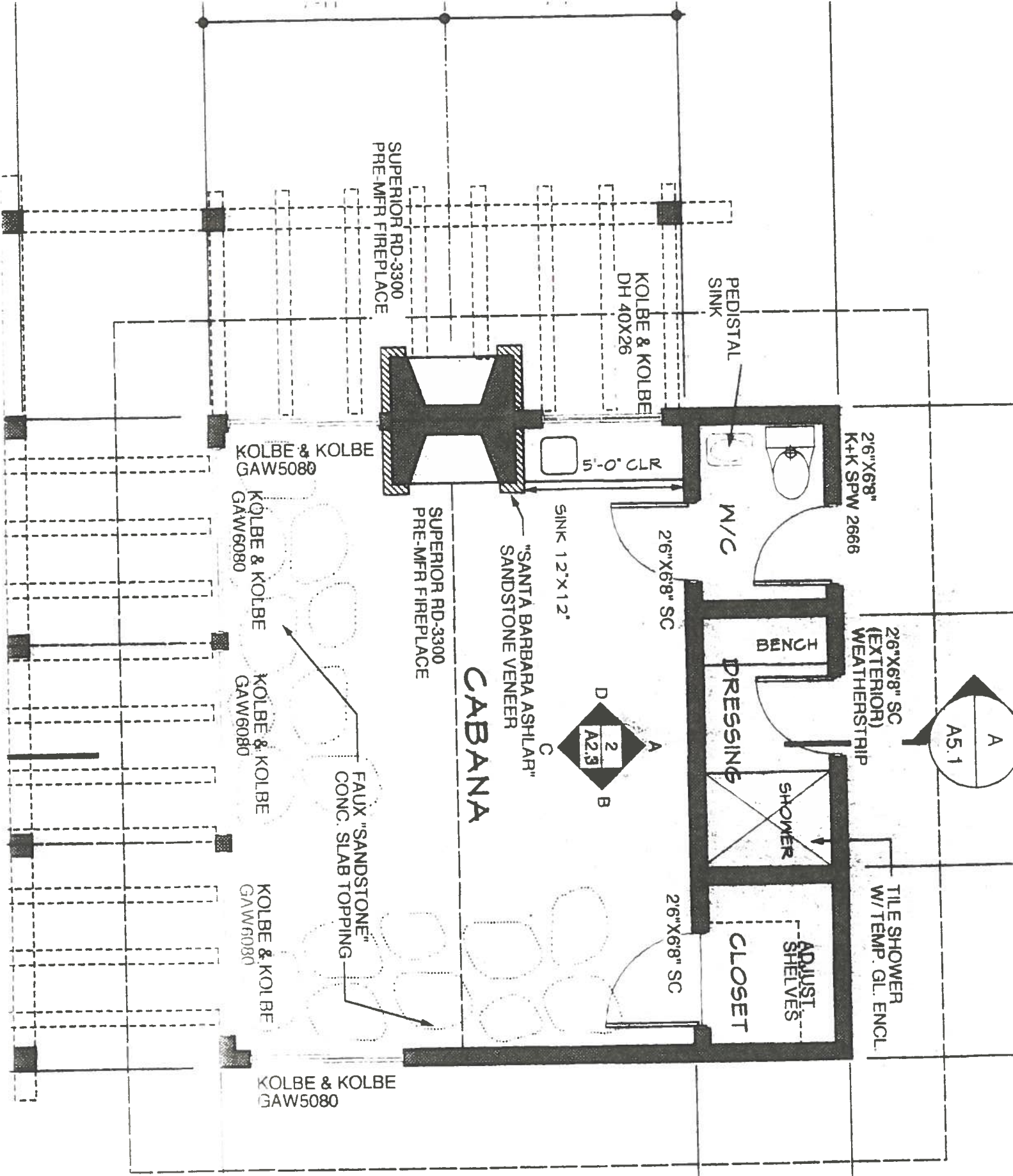


EXHIBIT B

Approved

5'-0"

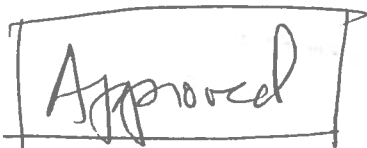
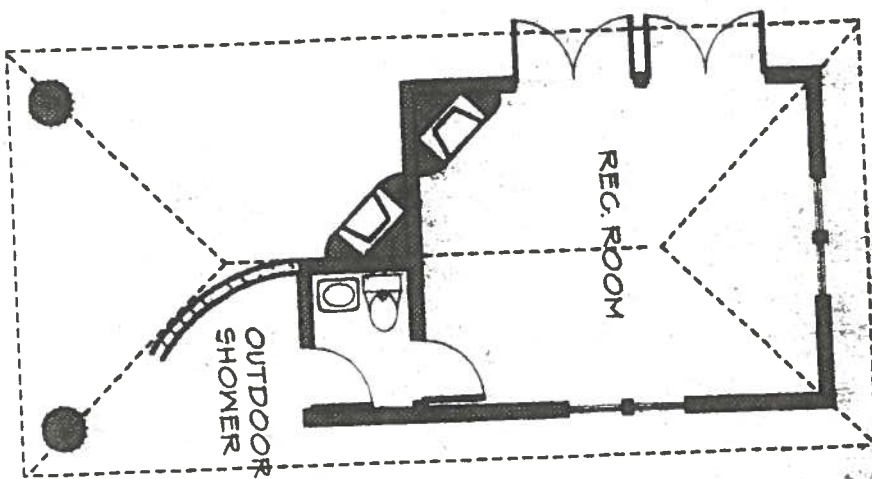


EXHIBIT C





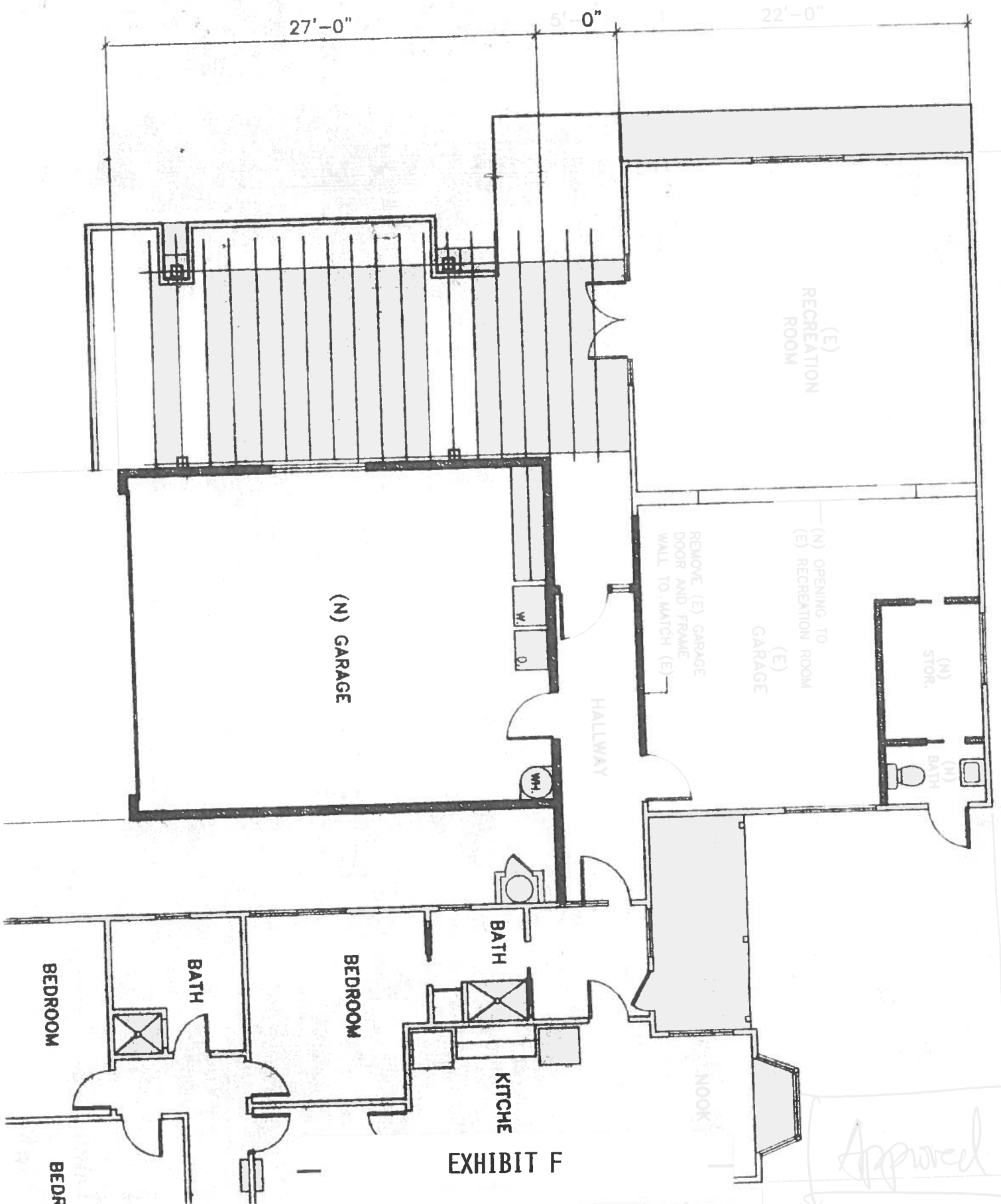
CABANA PLAN

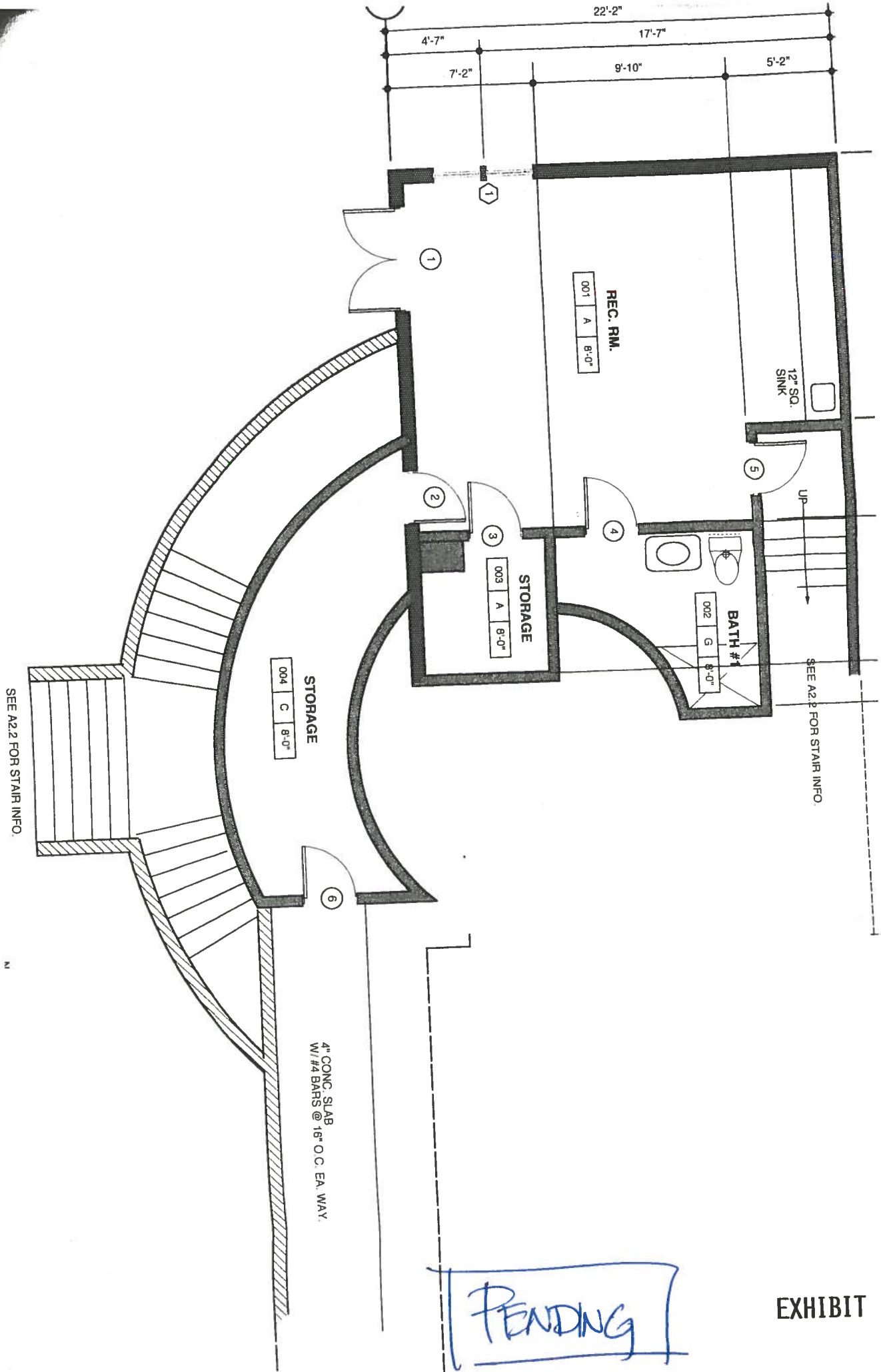
1/8" = 1'-0"

242 S.F.

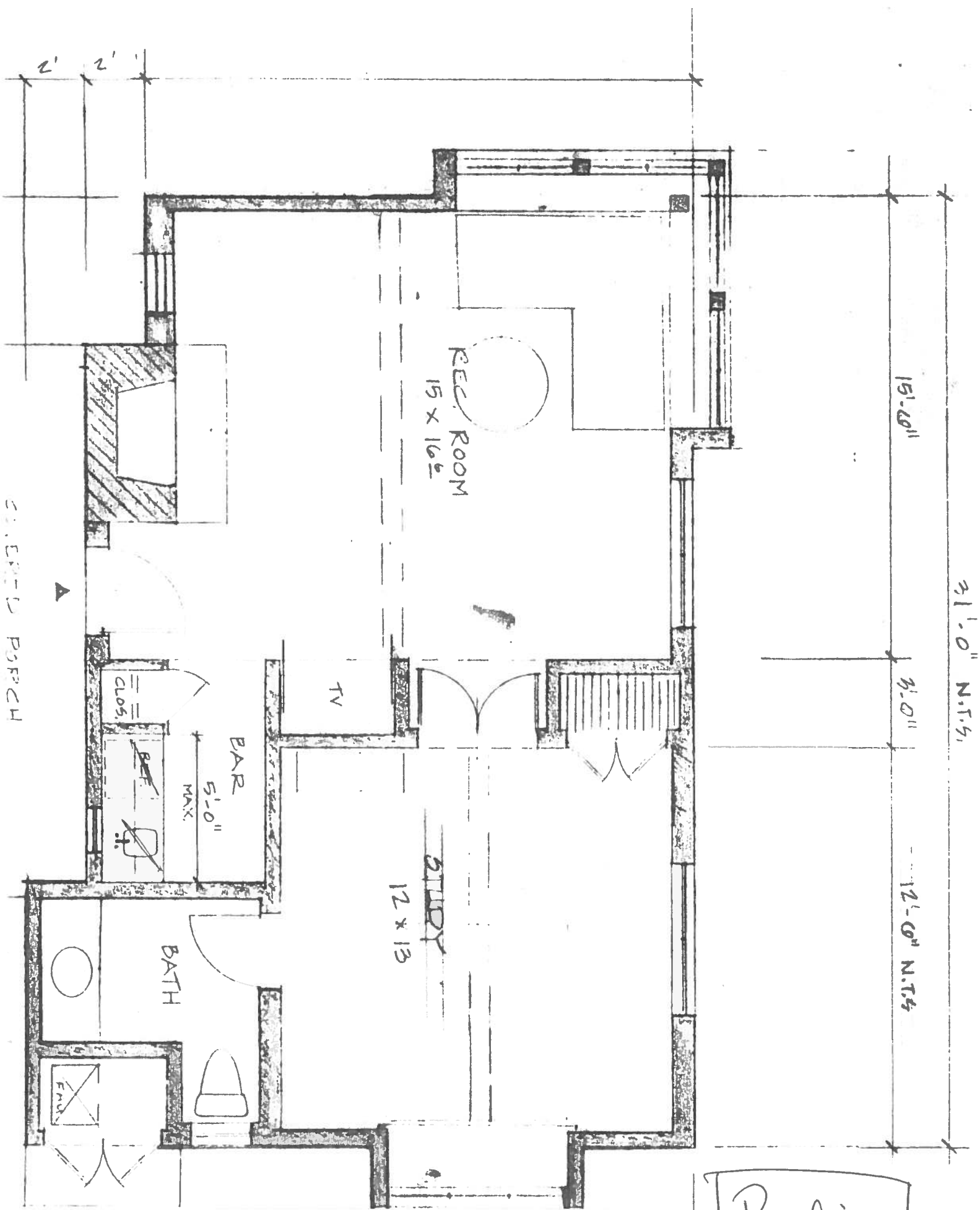
APPROVED

EXHIBIT E





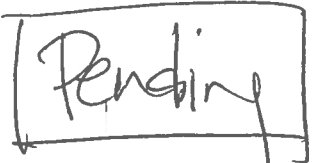
PENDING



REAR PORCH

EXHIBIT H

Pending



EXISTING (E) WITH TC	REMOVE EXISTING W
NEW EXISTD WITH	

M-I Manufacturing Zone – Uses Proposed for Removal (*)

NZO Module 1, v.2015-11-10

TABLE 28.06.020: LAND USE REGULATIONS-MANUFACTURING ZONES			
“A” Allowed Use “PSP” Performance Standard Permit Required “CUP” Conditional Use Permit Required		“-“ Use Not Allowed “(H)” Specific Limitations at the end of the table	
Use Classification	M-C (C-M)	M-I (M-I)	Additional Regulations
Residential Uses			
Residential Housing Types			
Single-Unit Dwelling	A		
Duplex	A	-	
Multi-Unit Residential	A	-	
Special Unit Types	-	-	
Caretaker Unit	-	A(4)	
Home Occupations	A	-	§Home Occupation
Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices			
6 or fewer individuals	A	-	§Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices
7 to 12 individuals	A	-	
More than 12 individuals	CUP	-	
Family Day Care			
Small	A	-	
Large	A	-	§Large Family Day Care Homes
Group Residential	A		
Mobilehomes	A(2)	-	§Mobilehomes, Recreational Vehicles, and Modular Units, Individual Use
Mobilehome Park	CUP(2)	-	§Mobilehome and Permanent Recreational Vehicle Parks
Supportive Housing	§Transitional and Supportive Housing		
Transitional Housing	§Transitional and Supportive Housing		
Public and Semi-Public Uses (6)			
Colleges and Trade Schools	A	A	
* Community Assembly	A	ACUP (8)	
Community Garden	A	A	§Community and Market Gardens
* Cultural Institution	A	A-	
* Day Care Centers	A	A-	§Day Care Centers
Emergency Shelter	A	-	§Emergency Shelter

DRAFT PROPOSED NEW ZONING ORDINANCE

28.32.260 Mobile Food Vendors

- A. Purpose.** The City recognizes that mobile food vendors can be a benefit to the community by providing economic development, convenient service, and varied dining options in commercial areas. The purpose of this section is to establish the standards, locations, and permitting requirements that will allow mobile food vendors to operate on private property within the City, as well as preserve the peace, safety and welfare of the community.
- B. Standards.** Mobile food vendors on private property shall be located and operated in compliance with the following standards.
1. ***Use and Zone.*** Mobile food vendors may only operate in non-residential zones, on lots developed with non-residential uses.
 2. ***Number.*** Shall not exceed one truck per day per parking lot.
 3. ***Duration.*** Maximum three (3) hours per day per parking lot. No lot may have a mobile food vendor onsite for more than 90 days total in any 12-month period.
 4. ***Distance.*** No mobile food vendor on private property shall operate closer than a 500 foot radius from another mobile food vendor operating on private property. For the purpose of this section, distance shall be measured from location to location along the shortest possible straight line distance, regardless of any customary or common route or path of travel, i.e., “as the crow flies”.
 5. ***Setback.*** Mobile food vehicles shall maintain a minimum 10-foot front setback from any right-of-way, for site visibility.
 6. ***Required Parking.*** No parking spaces are required for a mobile food vendor that meets all of the standards under this section.
 7. ***Displaced Parking.*** Unless otherwise allowed in this chapter, mobile food vendors may not eliminate any parking spaces required for any existing uses on the same lot. Required parking spaces for an existing non-residential use may be displaced if the existing non-residential use is not open during the event. See SBMC 28.32.350, Temporary Use Permit, for additional displaced parking allowances.
 8. ***Location.*** Mobile food vehicles used by vendors shall not be permitted as a permanent or proprietary location on any property within the City. Vehicles shall not be left unattended at any time, or be left on-site when inactive or stored overnight. Mobile food vendors may not operate on a vacant lot.
 9. ***Obstructions.*** Location and operation including customers, seating, and equipment, shall not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location shall comply with applicable accessibility requirements and the Americans With Disabilities Act.
 10. ***Allowed Products.*** Operations are limited to the sales of food and beverages for immediate consumption.

11. ***Allowed Vehicles.*** Operations shall only be conducted from a motor vehicle, or vehicle with a trailer consistent with State law and County Health Department approvals. Other types of food vending from a temporary structure such as a push cart, stand-alone trailer, or kiosk are not allowed under this ordinance.
12. ***Nuisance.*** Mobile Food Vendors shall be responsible for keeping the area clean of any litter or debris and shall provide a visible trash receptacle for use by customers. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while on private property. The use of prohibited or unpermitted signs for mobile food vendors is not allowed.
- C. **Zoning Affidavit Required.** A Zoning Affidavit, showing evidence of property owner approval and compliance with all standards listed in this section, is required to be submitted to the Community Development Department for all mobile food vendors operating in the City.
- D. **Temporary Use Permit.** A mobile food vendor that does not comply with all standards listed in this section will require a Temporary Use Permit to operate.

TABLE 28.06.020: LAND USE REGULATIONS-MANUFACTURING ZONES			
"A" Allowed Use "PSP" Performance Standard Permit Required "CUP" Conditional Use Permit Required		"--" Use Not Allowed "(#)" Specific Limitations at the end of the table	
Use Classification	M-C (C-M)	M-I (M-I)	Additional Regulations
Hospitals and Clinics			
Hospitals	CUP	-	
Clinic	A	-	
Birth Centers	A	-	
* Instructional Services	A	A	
Public Facilities	A	A	
Recreational Vehicle Park			
Overnight	CUP(2)	-	§Overnight Recreational Vehicle Parks
Permanent	CUP(2)	-	§Mobilehome and Permanent Recreational Vehicle Parks
* Schools	A	CUP	
Skilled Nursing Facility	A	-	
Social Service Facilities	CUP(5)	CUP(5)	
Commercial Uses			
Adult Entertainment Facilities	A	A	§Adult Entertainment Facilities
Agriculture	A	A	§Agriculture
Animal Care, Sales and Services			
Animal Daycare	A(3)	A	
Grooming and Pet Stores	A	A	
Kennels	-	A	
Veterinary Services	A	A	
Artists Studios	A	A	
Automated Teller Machines	A	A	§Automated Teller Machines
Automobile/Vehicle Sales and Services			
Automobile Rentals	A	A	
Automobile/Vehicle Sales and Leasing	A(1)	A(1)	
Service and Repair, Minor	A	A	
Service Station	A	A	§Automobile Service Stations
Washing	A	A	
* Banks and Financial Institutions	A	A	
Business Services	A	A	
Commercial Entertainment and Recreation			
* Cinema/Theater	A	A	
* Small-scale	A	A	
* Large-scale	CUP	CUP	

TABLE 28.06.020: LAND USE REGULATIONS-MANUFACTURING ZONES			
"A" Allowed Use "PSP" Performance Standard Permit Required "CUP" Conditional Use Permit Required		"--" Use Not Allowed "(#)" Specific Limitations at the end of the table	
Use Classification	M-C (C-M)	M-I (M-I)	Additional Regulations
* Eating and Drinking Establishments	A	A	
Food Preparation	A	A	
Funeral Parlors and Interment Services	A	A	
* Hotels and Extended Stay Hotels	A	A	§Hotels and Extended Stay Hotels
Live-Work Units	A	-	§Live-Work Units
Maintenance and Repair Services	A	A	
Market Gardens	A	A	§Community and Market Gardens
Medical Cannabis Dispensaries	PSP	PSP	§Medical Cannabis Dispensaries
Mobile Food Vendors	A	A	§Mobile Food Vendors
Nurseries and Garden Centers	A	A	
Offices			
* Business and Professional	A	A(9)	
* Medical and Dental	A	A	
Outdoor Sales and Display	A	A	
Outdoor Seating	A(7)	A(7)	
Parking, Public or Private	A	A	
Personal Services	A	A	
Retail Sales			
<i>Building Materials and Services</i>	A	A	
* Food and Beverage Retail Sales	A	A	
* General Retail	A	A	
<i>Neighborhood Market</i>	A	-	§Retail Sales, Neighborhood Market
Industrial Uses			
Automobile and Vehicle Repair, Major.	A	A	
Commercial Vehicle and Equipment Sales and Rental	A	A	
Construction and Materials Yard	A	A	
Custom Manufacturing	A	A	
Hazardous Waste Management Facility	CUP	CUP	§Hazardous Waste Management Facility Overlay
Household Hazardous Waste Collection Facility	A	A	
Food and Beverage Manufacturing			
<i>Small Scale</i>	A	A	
<i>Large Scale</i>	-	A	
Industry, General	-	A	

TABLE 28.06.020: LAND USE REGULATIONS-MANUFACTURING ZONES			
“A” Allowed Use “PSP” Performance Standard Permit Required “CUP” Conditional Use Permit Required		“-“ Use Not Allowed “(##)” Specific Limitations at the end of the table	
Use Classification	M-C (C-M)	M-I (M-I)	Additional Regulations
Industry, Limited	A	A	
Recycling Collection Facility	A	A	
Research and Development	A	A	
Salvage and Wrecking	CUP	CUP	
Towing and Impound	A	A	
Warehousing and Storage			
Indoor	A	A	
Outdoor	-	A	
Personal Storage	A	A	
Wholesaling and Distribution	-	A	
Transportation, Communication, and Utilities Uses			
Freight and Truck Terminals	-	A	
Light Fleet Based Services	A	A	
Transportation Passenger Terminals	A	A	
Telecommunications Facilities	§Telecommunications Facilities		
Public Works and Utilities	§Public Works and Utilities		
Other Applicable Types			
Accessory Uses and Structures	A	A	§Accessory Uses and Structures
Animal Keeping	A	A	§Horse Keeping and SBMC 6.08, Care and Keeping of Animals
Interim Use	CUP	CUP	§Interim Use
Nonconforming Use	§Nonconforming Use		
Temporary Use	§Temporary Use		
Specific Limitations			
1. Limited to sales of used automobiles. New or used motorcycles or mopeds are allowed.			
2. Not allowed within a high fire hazard zone unless designed to meet high fire standards or a landmark district.			
3. Outdoor activities may occur between the hours of 9:00 a.m. and 4:00 p.m. Activities at all other times shall be conducted within an enclosed building.			
4. Limited to a caretaker unit of no more than 400 square feet of net floor area.			
5. Must be located a minimum 300 feet from any other social service facility or emergency shelter.			
6. Other public or quasi-public facilities not specifically permitted may be allowed in any zone pursuant to Conditional Use Permit approval.			
7. In conjunction with any establishment that serves or sells food and/or beverages.			
8. Limited to churches with a Conditional Use Permit approval.			
9. Ancillary to main allowed use.			



Mobile Vendors - Comparison of Private, and Public Property Proposals

Draft version, October 2015

Limitations	Proposed New Zoning Ordinance (NZO) Section 28.32.260 Regarding Mobile Vending on Private Property (e.g., parking lots)	Proposed Changes to SBMC Section 5.32.035 Regarding Vending In Public Locations (e.g., streets)
Location	Allowed only in nonresidential zones developed with nonresidential uses	Allowed citywide except the downtown corridor (those streets bounded by and including: Castillo Street, Micheltorena Street, Garden Street, and Cabrillo Boulevard) & Milpas Street between Quinientos Street and Cañon Perdido Street
What Can be Sold	Allows food only	Allows food and non-food items
Hours of Operation	No limit on hours of operation	Allowed from 9am to 7pm only.
Duration at Site	3 hours maximum (90 days total per site, per year) <i>Vendors may request a Temporary Use Permit to extend time, if needed.</i>	1 hour maximum time limit to vend at a location.
Vehicles	Allows motorized vehicles - no pushcarts or standalone trailers.	The proposed ordinance prohibits pushcarts from operating on City sidewalks and streets.

Limitations	Proposed Private Property Ordinance (SBMC Section 28.32.260 (e.g., parking lots))	Proposed Changes to SBMC Section 5.32.035 Regarding Vending In Public Locations (e.g., streets)
Distance Between Mobile Vendors	500 feet radius from another mobile food vendor on private property. <i>Vendors may request a Temporary Use Permit if a special event involves multiple vendors.</i>	500 feet radius from any vending location used that day, by the same vendor. No distance restrictions between different vendors.
Parking Requirement	May not reduce any <u>required</u> parking spaces for a business <u>while open</u> . <i>Vendors may request a Temporary Use Permit to reduce 3 spaces (max 10%) parking spaces in a lot.</i>	No street vendor vehicle (or any extension thereof-such as mirrors) shall obstruct the movement of pedestrians or other vehicles using the street or sidewalk or roll up onto the sidewalk of any street bounded by rolled curbs or otherwise block pedestrian sidewalk access.
Distance from Schools	No minimum distance from schools required	Must be 500 feet from private or public school through grade 12 (7am -4pm)
Trash Receptacle	Must provide trash receptacle	Must provide trash receptacle
Music	No music allowed when on private property	Music allowed, except when stopped
Required Permits	Business license required Zoning Affidavit required Property owner's approval required. <i>Temporary Use Permits (maximum of 4 times per year) is available to allow more flexibility.</i>	Business license required Other required permits (e.g. County Health Department)

NZO Comment Cards

(Received as of November 10, 2015)

Name: Susan G.

Comment: Hopefully the online NZO will have the ability for you to click on the title of Chapter Section on the first page of that Section and you will immediately be taken to the section you clicked on, vs. having to scroll and scroll through the chapter looking for the section you need.

Name: (Not given)

Comment: Garage sales – limit the number per year because of too many/every week sales.

Name: Susan G.

Comment: Home Occupations – address resale w/customers coming to purchase stuff out of ... garage. Example: people buy things at garage sales, advertise on Craigslist and then resell from house on weekly basis.

Name: Peter Hunt, Architect

Comment: 1. Educate the public about how & why zoning ordinance is being made to conform to new General Plan.

2. Use “definitions” from California Building Code and California Residential Code which have nearly a 70 year history and are familiar to practitioners rather than SBMC “definitions” which sometimes confuse things.

3. Regarding LCP update; NZO and it’s reflection of local values & local culture is more important to locals than some state mandate produced by political elites for their benefit rather than local benefit.

Name: Kurt Magness

Comment: Simplify process for minor window changes in setbacks. More admin approvals.

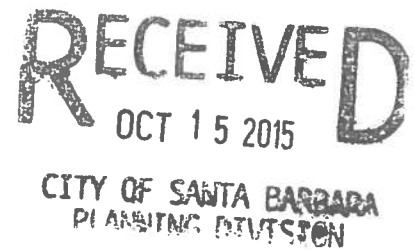
Name: Matt LaBrie, Downtown Organization, Lynx Property Management

Comment: Consider and provide for smooth expansion of DT [downtown] parking system and associated zone of benefit – especially in FZ [“Funk Zone”]

Clean up vacation rental oversight and licensing. Decide to support VR and hold them accountable. Expand their available zones.

Consider how to further clean up M1 – reduce storage increase service and manufacturing activity.

15 October 2015



New Zoning Ordinance Joint Subcommittee
c/o City of Santa Barbara Planning Division
630 Garden Street
Santa Barbara, CA 93101

RE: New Zoning Ordinance (NZO); Module 2, Use Regulations

Dear New Zoning Ordinance Subcommittee:

Our office has been monitoring the City of Santa Barbara's New Zoning Ordinance (NZO) update process and is very enthusiastic and encouraged about the discussions held to date. We are supportive of many of the changes discussed at workshops and hearings; we are looking forward to a Zoning Ordinance that provides the community with a user friendly format.

At this juncture, we'd like to provide our input more formally to City staff to forward to the NZO Subcommittee and the Planning Commission for consideration and discussion in advance of receiving the New Zoning Ordinance (NZO) Draft Module #2.

Minimum Lot Area Requirements/"Slope Density"

We understand that the City is not anticipating amendments to residential density development standards given the relatively recent adoption of the Average Unit Density Program. However, we request consideration be given to amending the following code section as it relates to minimum lot area sizes for newly created lots or "slope density" as we often refer to this standard.

The current development standard for lot area requirements that apply in both the Single – Family and Two – Family Residential Zones is below:

SBMC §28.15.080 Lot Area and Frontage Requirements.

With the exception of those parcels having frontage on the Pacific Ocean, the minimum lot areas and densities specified in this section shall be increased by the following factors where the average slope of the parcels falls within the percent of average slope ranges given:

*Factor Percent of Average Slope
1.5 times minimum lot area 10% up to and including 20%
2.0 times minimum lot area over 20% up to & including 30%
3.0 times minimum lot area over 30%*

Suggested Revision:

Revise the minimum lot area requirements to provide for a sliding scale of lot area requirements proportional to the average slope; the high end of the slope range would require the maximum multiplier (20% average slope lot would require 1.5 times the minimum lot area while an 11% average slope lot would require 0.05 times the minimum lot area).

For example, the minimum lot area in the E-1 zone is 7,500 square feet. If a site contains an average slope of 11%, the additional lot area requirement would be 375 square feet, $7,500 \times 0.05$, for a newly created lot. Applying this method, a site with an average slope of 11% would not be treated the same as a site with an average 20% slope, which is significantly more steep.

Building Height

We support the existing building height dimensional maximums in the various land use zones and do not suggest revisions to these maximums. In each zone, the building height maximums include both a dimension and maximum number of stories allowed.

Examples of the current building height maximums in specific zones are provided below along with the definition of basement. All land use zones include a number of stories maximum in conjunction with the dimensional maximum.

R-3 LIMITED MULTIPLE-FAMILY AND R-4 HOTEL-MOTEL-MULTIPLE RESIDENCE ZONES

SBMC §28.21.050 Building Height.

Three (3) stories, which three (3) stories combined shall not exceed (i) forty-five feet (45');

HRC-1 and HRC-2 HOTEL AND RELATED COMMERCE ZONES

SBMC §28.22.050 Building Height Standards.

No building or structure in an HRC zone shall exceed three (3) stories or exceed forty-five (45) feet in height.

Suggested Revision:

We suggest eliminating the specificity of the number of stories within the dimensional height maximum. This revision would be aligned with the intent of the NZO to encourage simplification in the development standards of the code. We believe that the dimensional building height maximums achieve the desired goal to protect and preserve neighborhood character and compatibility. The primary basis for our suggestion is related to the definition of a basement and when a basement constitutes a building story. There are instances during the design development phase of a project when the dimensional height can readily be met, but the number of building stories is exceeded due to the configuration of a partially subterranean parking structure that is per definition, a story.

28.04.110 Basement.

That portion of a building between floor and ceiling which is partly below and partly above grade (as defined in this chapter), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. A basement shall be counted as a story.

Accessory Buildings

In our experience, proposed uses within an accessory building will range from pool cabanas to art studios, to general storage. The definition of an accessory use is,

A use customarily incidental and accessory to the principal use of a lot or of a main building or structure located upon the same lot as the accessory use (SBMC §28.04.015).

Further, accessory building floor area is limited to 500 square feet, cumulatively, per lot. This maximum may be too restrictive as evidenced by the number of zoning modification requests to allow additional accessory floor area for large properties, typically those lots that exceed an acre in size. We understand and support that a limitation is necessary to discourage unpermitted conversions of these structures to dwellings; however, we suggest that the City consider a larger per building and cumulative maximum. We believe that a reasonable approach would be to limit the size of each accessory building to 500 or 750 square feet depending on the overall lot area, and to also allow the cumulative total maximum of 1,250 square feet or an appropriate total that is proportional to the total lot area.

Additionally, we suggest that the City consider increasing the maximum floor area allowed for garages using a similar approach as described above.

Legal Non-Conforming Properties

Based upon the staff reports and hearings we've attended as part of the NZO kick-off, it is our understanding that some of the development standard revisions may include a degree of flexibility for properties that are legally non-conforming. We support this undertaking such that property owners may have the ability to improve their properties without the added time and expense of processing zoning modifications for these legal non-conforming circumstances.

Open Yard

Another revision previously discussed included potential alternatives in meeting the 1,250 square foot open yard minimum for single-family zoned properties. Again, we support this endeavor and have found that compliance with the minimum 20' x 20' dimension in each direction is difficult to meet for lots that are constrained and that this standard should be addressed.

Additional and Secondary Dwelling Units – Separate Water Meter Requirement

In 2003, the California State Legislature signed a bill to encourage local governments to 1) adopt policies to allow secondary units, and 2) to facilitate the process to create secondary units. The City of Santa Barbara has policies and codes in place to create both additional dwelling units and secondary dwelling units. The City also adopted a building code that requires each new dwelling to install a separate water meter.

Suggested Revision:

In some instances, the installation of a separate water meter is prohibitive given site constraints such as topography, vegetation, soils, and costly buy-in fees, to the creation of either an additional or secondary dwelling unit. We question the value of what is gained by having a separate meter and believe that the City should consider a degree of flexibility with the separate water meter requirement to be evaluated on a case by case basis consistent with State Legislation.

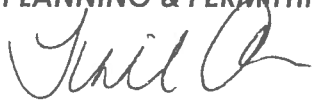
Module #3 – Parking Regulations

We have been informed that potential changes to the parking regulations will be part incorporated into Module 3; however, we are compelled to submit a comment at this time.

The requirement for a property that contains non-conforming parking (one space rather than the two required for single family residences) to provide conforming parking when a 50% or more increase in floor area is proposed has posed a significant obstacle for many homeowners. We've been approached by several clients who encounter this situation and are not able to provide the additional parking space on their properties without requiring a zoning modification to do so. In many instances, the encroachment for the parking to meet the two required spaces is not supported by staff. We do not believe that this was an intended consequence of this rule. We look forward to a future dialogue regarding the parking regulations.

Thank you for taking the time to review and consider our comments on the NZO Update.

Sincerely,
SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.



Trish Allen, AICP
Senior Planner

November 1, 2015

RECEIVED
NOV 02 2015

CITY OF SANTA BARBARA
PLANNING DIVISION

City of Santa Barbara Planning Department:

To Whom It May Concern:

I have a downstairs room that meets many of the initial requirements for a secondary unit. However, as with most applications, I assume, fulfilling the off-street parking requirement is difficult, if not impossible – and my house sits on nearly a quarter-acre.

Has the City considering relaxing the parking requirement by allowing shared use of the existing two-car garage? Or, could I receive a variance on the requirement? My wife and I only have the one car in the garage.

It seems unfair to require additional off-street parking if it is already available. (I realize there is no guarantee that the homeowner could acquire a second vehicle resulting in the tenant's car being moved to the street. However, there is also no guarantee that any off-street site provided by the homeowner could later be used to store an RV or other vehicle owned by the homeowner.)

During the 70's, this household had 4 cars; two in the garage, one in the driveway, and one on the street and no complaints were ever received. Certainly what I am proposing is reasonable.

I don't need the money from a secondary unit and I fully support the requirement to rent this unit (way) below market for a low-income person or couple or family relative. I would like to do my part to ease the critical need for affordable housing but the off-site parking requirement essentially negates this. I assume I could rent to a disabled person and the parking requirement would be waived. Is that correct? What if I were to rent to a person that did not have a car? Would the parking requirement still stand?

Does my suggestion have merit? If this is currently not allowed (the sharing of an existing two car garage) what steps would I need to take to have this implemented? The current regulations are too restrictive particularly since many homes are occupied by empty nesters who have downsized and no longer utilize their two car garage.

Appreciatively,


John Ummel

516 Calle Granada
Santa Barbara, CA 93015
650-576-4145